IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:10CV91-1-MU

JOHN LAMONT LEWIS,)
Petitioner,)
v.	$ \begin{array}{c} ORDER \end{array} $
HERB JACKSON, Supt.,)
Respondent.)
)

THIS MATTER comes before the Court for an initial review of Petitioner's Petition Under 28 U.S.C. § 2254 (Doc. No. 1), filed April 30, 2010.

On November 13, 2009, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On November 17, 2010, this Court dismissed Petitioner's habeas petition as unexhausted. Petitioner has taken no further steps to exhaust his claims in state court. Rather, Petitioner appears to be arguing that the state supreme court's docket sheet supports a conclusion that he has fully exhausted his claims. This Court has reviewed Petitioner's arguments and is unpersuaded. For the reasons set forth in detail in this Court's November 17, 2009, Order, Petitioner's federal habeas petition is dismissed as unexhausted.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Petition for a Writ of

Habeas Corpus is **DISMISSED without prejudice** for failure to exhaust his state court remedies.

Signed: May 12, 2010

Graham C. Mullen

United States District Judge